

## EPA-APPROVED DELAWARE SOURCE-SPECIFIC PERMITS—Continued

Name of source	Permit number	State effective date	EPA approval date	Comments
Phoenix Steel Co.-Electric Arc Furnaces Charging & Tapping #2.	77-A-8 .....	12/2/77	7/30/79, 44 FR 25223	§ 52.420(c)(12)
Delmarva Power & Light—Indian River .....	89-A-7/APC 89/197 ....	2/15/89	1/22/90, 55 FR 2067	§ 52.420(c)(38)

(e) [Reserved]

[63 FR 67410, Dec. 7, 1998, as amended at 64 FR 12087, Mar. 11, 1999; 64 FR 32189, June 16, 1999; 64 FR 48963, Sept. 9, 1999; 64 FR 52659, Sept. 30, 1999; 65 FR 2051, Jan. 13, 2000; 65 FR 12483, Mar. 9, 2000]

**§ 52.421 Classification of regions.**

The Delaware plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Philadelphia Interstate .....	I	I	III	I	I
Southern Delaware Intrastate .....	III	III	III	III	III

[37 FR 10856, May 31, 1972, as amended at 39 FR 16345, May 8, 1974]

**§ 52.422 Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves Delaware's plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of part D, title I, of the Clean Air Act as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980, for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

(b) Letter of February 26, 1993, from the Delaware Department of Natural Resources and Environmental Control transmitting a commitment to adopt either the Federal clean fuel fleet program or an alternative substitute program by May 15, 1994.

[45 FR 14558, Mar. 6, 1980, as amended at 58 FR 50848, Sept. 29, 1993]

**§ 52.423 1990 Base Year Emission Inventory.**

EPA approves as a revision to the Delaware State Implementation Plan the 1990 base year emission inventories for the Delaware ozone nonattainment areas submitted by the Secretary of the Department of Natural Resources and Environmental Control on May 27, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories in area for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>).

[61 FR 1841, Jan. 24, 1996]

**§ 52.424 Conditional approval.**

(a)–(b) [Reserved]

(c) EPA is conditionally approving as a revision to the State Implementation Plan the New Source Review (NSR) program submitted by the Secretary of the Delaware Department of Natural Resources and Environmental Control on January 11, 1993. Delaware must provide a SIP revision which corrects the deficiencies in the NSR Regulation (Regulation No. 25) by April 5, 1999. Once Delaware satisfies the conditions

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of the NSR rulemaking, EPA will fully approve the NSR program. If a revised SIP meeting the conditions of the NSR rulemaking is not submitted by the date specified, the rulemaking will convert to a final disapproval. The approval is contingent on the State of Delaware revising its regulations to address the deficiencies noted in the Technical Support Document, (TSD) that was prepared in support of the proposed conditional approval rulemaking for Delaware's NSR program. Delaware must submit a SIP revision that includes the following:

(1) The special rule for modifications of sources in serious and severe ozone nonattainment areas, consistent with sections 182(c)(7) and (8) of the Clean Air Act.

(2) Public participation procedures consistent with 40 CFR 51.161. Regulation No. 25 does not specify the public participation procedures to be used in issuing nonattainment NSR permits.

(3) A requirement that where the emissions limit under the SIP allows greater emissions than the potential to emit of the source, emission offset credit will be allowed only for control below this potential as found in 40 CFR 51.165(a)(3)(ii)(A).

(4) Provisions for granting emission offset credit for fuel switching, consistent with 40 CFR 51.165(a)(3)(ii)(B).

(5) Requirements consistent with 40 CFR 51.165(a)(3)(ii)(C)(1) for the crediting of emission reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels (shutdown credits). These requirements must include a provision that such reductions may be credited if they are permanent, quantifiable and federally-enforceable, and if the area has an EPA-approved attainment plan.

(6) A requirement that the shutdown or curtailment is creditable only if it occurred after the date of the most recent emissions inventory or attainment demonstration consistent with 40 CFR 51.165(a)(3)(ii)(C)(1).

(7) A requirement that all emission reductions claimed as offset credit shall be federally enforceable consistent with 40 CFR 51.165(a)(3)(ii)(E).

(8) Requirements for the permissible location of offsetting emissions con-

sistent with 40 CFR 51.165(a)(3)(ii)(F) and section 173(c)(1) of the CAA.

(9) A requirement that credit for an emission reduction can be claimed to the extent that the State has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 (i.e., the SIP), or the State has not relied on it in a demonstration of attainment or reasonable further progress.

(d) Revisions to the Delaware State Implementation Plan, Regulation No. 12, pertaining to NO<sub>x</sub> RACT requirements on major sources submitted on January 11, 1993 and amended on January 20, 1994 by the Delaware Department of Natural Resources and Environmental Control, is conditionally approved. Delaware must meet the following condition by no later than July 17, 2000, in accordance with criteria defined in the EPA Memorandum dated November 7, 1996 from the Director of the Air Quality Strategies and Standards Division of the Office of Air Planning and Standards, entitled "Approval Options for Generic RACT Rules Submitted to Meet the Non-CTG VOC RACT Requirement and Certain NO<sub>x</sub> RACT Requirements." This memorandum is available, upon request, at the office of the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. This condition is:

(1) The DNREC must certify, in writing, that it has submitted, as SIP revisions, RACT determinations for all sources subject to source-specific NO<sub>x</sub> RACT requirements.

[62 FR 27197-27199, May 19, 1997, as amended at 63 FR 1368, Jan. 9, 1998; 63 FR 16435, Apr. 3, 1998; 64 FR 32189, June 16, 1999; 64 FR 52660, Sept. 30, 1999; 64 FR 55141, Oct. 12, 1999]

### § 52.425 [Reserved]

### § 52.426 Control strategy: ozone.

EPA fully approves, as a revision to the Delaware State Implementation Plan, the 15 Percent Rate of Progress Plan for the Delaware portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment, namely Kent and New Castle Counties, submitted by the Secretary of Delaware Department of Natural Resources and